

**Department of Personnel Administration  
Memorandum**

**TO: Personnel Management Liaisons (PML)**

<b>SUBJECT:</b> California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment (CASE) - Bargaining Unit 2	<b>REFERENCE NUMBER:</b> 2011-016
<b>DATE ISSUED:</b> 05/23/11	<b>SUPERSEDES:</b>

This memorandum should be forwarded to:

**Personnel Officers  
Employee Relations Officers**

**FROM:** Department of Personnel Administration  
Labor Relations Division

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The State negotiated a labor agreement with the California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment (CASE) for Bargaining Unit 2 represented employees. The agreement provides the following.

**RETIREMENT CONTRIBUTION**

Effective June 1, 2011, employee retirement contribution rates will be as follows.

<b>Retirement Categories</b>	<b>Increased Retirement Contributions</b>
Miscellaneous/Industrial/ARP Members - w/SSI	9% in excess of \$513
Miscellaneous/Industrial Members – no SSI	10% in excess of \$317
Miscellaneous - Second Tier Members	0% Second Tier
State Safety Members	10% in excess of \$317

**RETIREMENT FORMULA AND FINAL COMPENSATION**

The new retirement formula and final compensation for Bargaining Unit 2 represented employees first employed with the State on or after January 15, 2011 (with no prior service) will be as follows.

<b>Retirement Categories</b>	<b>New Employee Retirement Formulas</b>
Miscellaneous/Industrial/ARP Members	2% at age 60 formula based on 3-year final compensation.
Miscellaneous - Second Tier Members	1.25% at age 65 formula based on 3-year final compensation.
State Safety Members	2% at age 55 formula based on 3-year final compensation.

## **FURLOUGH PROGRAM**

Effective April 1, 2011, the Furlough Program that began August 2010 will end for Bargaining Unit 2 represented employees.

## **PERSONAL LEAVE PROGRAM (PLP 2010/2011)**

Effective April 1, 2011, Bargaining Unit 2 represented employees, except for Bargaining Unit 2 represented employees at State Compensation Insurance Fund, will be credited with PLP 2010/2011 on the first day of each pay period for 12 consecutive pay periods in the manner outlined below:

### Full-Time Employees

Full-time employees shall have a reduction in pay equal to 4.62% and eight (8) hours of leave will be credited to the employee's PLP 2010/2011 leave balance.

### Part-Time Employees

Part-time employees shall be subject to the same conditions as full-time employees, on a pro-rated basis. The pro-ration shall be determined based on the employee's time base consistent with the following chart.

<u>Time Base</u>	PLP 2010/2011 <u>Credit</u>
1/10	1
1/8	1
1/5	2
1/4	2
3/10	3
3/8	3
2/5	4
1/2	4
3/5	5
5/8	5
7/10	6
3/4	6
4/5	7
7/8	7
9/10	8

Intermittent Employees

Intermittent employees PLP 2010/2011 credit shall be prorated based upon the number of hours worked in the monthly pay period as stated in the chart below.

<u>Hours Worked During Pay Period</u>	PLP 2010/2011 <u>Credit</u>
0 to 10.9	0
11 to 30.9	1
31 to 50.9	2
51 to 70.9	3
71 to 90.9	4
91 to 110.9	5
111 to 130.9	6
131 to 150.9	7
151 or over	8

**ADDITIONAL PLP 2010/2011 INFORMATION** - Also refer to PML 2011-015.

- PLP 2010/2011 shall have no cash value and may not be cashed out. Departments must continue to monitor and ensure that all accrued PLP 2010/2011 hours are exhausted prior to termination, separation from State service (such as retirement), or instances such as rejection on probation or dismissal. On rare occasions, when an employee separates from State service and has accumulated unused PLP 2010/2011 hours which cannot be used prior to the separation (e.g., death or AWOL), PLP 2010/2011 hours must be paid at the time of the employee's separation.
- PLP 2010/2011 credits shall be requested and used by the employee in the same manner as vacation/annual leave and in accordance with departmental policies.
- Employees newly hired on or after April 1, 2011 while the PLP 2010/2011 is in effect will be subject to this program for its duration.
- Employees on NDI, ENDI, IDL, EIDL, or Worker's Compensation for the entire monthly pay period are excluded from the PLP 2010/2011 Program for that pay period. Employees off for a partial month shall receive PLP 2010/2011 credits based on the intermittent chart above.
- Employees who work less than their time base (e.g., dock, appointed or separated other than the first day of a pay period), shall have their PLP 2010/2011 hours applied on a prorated basis. To determine the prorated credit for a full-time or part-time employee, convert the employee's time worked in the pay period to hours and credit the employee with PLP 2010/2011 hours based on the intermittent chart above.
- Participation in the PLP 2010/2011 will be based on the classification an employee moves to when transferring between classifications/BUs that have different PLP ending dates. An employee shall have no more than 12 months of PLP 2010/2011 participation.

Example: If an employee in a Bargaining Unit 2 represented classification transfers to an R12 classification on May 1, 2011, the employee shall continue to participate in the PLP 2010/2011 until September 1, 2011.

- During the PLP 2010/2011 period, the State shall not implement a new furlough program.
- Seasonal and temporary employees are not subject to the PLP 2010/2011.
- Departments shall ensure that PLP 2010/2011 time is scheduled and taken prior to June 30, 2016.
- Employees in Bargaining Units 2 at State Compensation Insurance Fund are not in the PLP 2010/2011.
- To allow more flexibility on the usage of PLP and Furlough, employees may use PLP or Furlough credits before any other leave type. However, this does not mean that they must use PLP within the pay period it is earned. Keep in mind that employees must use

their PLP credits by June 30, 2016 and their Furlough credits prior to separation from State service.

### **PERSONAL LEAVE (PL) – 1.73 Hours**

Effective with the May 2011 pay period, Bargaining Unit 2 represented employees shall receive 1.73 hours of Personal Leave (PL) based on their time base for each qualifying pay period. This 1.73 hours of PL accrual shall end with the June 2013 pay period.

#### Full-Time Employees

Full-time employees shall be credited with 1.73 hours of PL.

#### Part-Time Employees

Part-time employees shall be subject to the same conditions as full-time employees, on a pro-rated basis. The pro-ration shall be determined based on the employee's time base consistent with the following chart.

<u>Time Base</u>	<u>Credit</u>
1/10	0.17
1/8	0.22
1/5	0.35
1/4	0.43
3/10	0.52
3/8	0.65
2/5	0.69
1/2	0.87
3/5	1.04
5/8	1.08
7/10	1.21
3/4	1.30
4/5	1.38
7/8	1.51
9/10	1.56

#### Intermittent Employees

Intermittent employees shall receive 1.73 hours of personal leave upon completion of 160 hours.

## **HOLIDAYS**

Lincoln's Birthday and Columbus Day are no longer paid State holidays.

Employees shall receive premium compensation (one and one-half the hourly rate) for the following holidays:

January 1<sup>st</sup>  
The last Monday in May  
July 4<sup>th</sup>  
The 1<sup>st</sup> Monday in September  
Thanksgiving Day  
December 25<sup>th</sup>

All other holidays shall be compensated as provided by GC Section 19853, [PML 2009-040](#).

## **PROFESSIONAL DEVELOPMENT DAY**

The State shall provide to all employees five days per fiscal year. The five days includes the three Professional Development Activities (PDA) days they currently receive and two new Professional Development Days (PDD). All five days will now be known as PDD.

These days may be used for activities such as, but not limited to, professional association activities, professional or personal development activities and seminars, and other types of activities to enhance and promote personal and professional growth, productivity, and goals. These professional development activities are at the employee's expense, therefore, the choice of activities is at the employee's discretion. The time shall be requested and approved in the same manner as vacation/annual leave. The PDD shall not be accumulated and must be used in the same fiscal year they are provided.

Because this provision is converting the use of three existing PDA days to the fiscal year rather than the calendar year, the following transition schedule and effective/expiration dates shall apply.

- Effective January 1, 2011, employees received three PDA days which expire on June 30, 2012.
- Effective April 1, 2011, employees will receive two PDDs which expire on June 30, 2011.
- Effective July 1, 2011, employees receive two new PDDs which expire on June 30, 2012.
- Effective July 1, 2012 and each July 1<sup>st</sup> thereafter, five new PDDs will accrue and must be used prior to the end of each fiscal year in which they are accrued.

## **SPECIAL SALARY ADJUSTMENT**

Effective July 1, 2013, all Bargaining Unit 2 represented classifications shall be adjusted by increasing the maximum of the salary range by 4%. Employees at the old maximum salary range for a minimum of twelve (12) qualifying pay periods shall receive a 4% increase. Employees at the old maximum salary rate for less than twelve (12) qualifying pay periods shall receive a new salary anniversary date based on qualifying service. Qualifying service toward the twelve (12) qualifying pay periods shall be in accordance with DPA Rules 599.682(b) and 599.687. All other employees shall retain their salary and salary anniversary date (MSA).

Personnel staff with questions about the retirement changes should contact Desi Rodrigues at (916) 324-9400 or [desirodrigues@dpa.ca.gov](mailto:desirodrigues@dpa.ca.gov). For all other questions personnel staff may contact the Personnel Services Branch at the phone number or email address listed above.

/s/Julie Chapman

Julie Chapman  
Deputy Director of Labor Relations